

November 21, 2003

Ms. Marlene H. Dortch
Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-A325
Washington, DC 20554

RE: Ex Parte Presentation in CG Docket No. 02-278

Dear Ms. Dortch:

This is to inform you that Joe Franlin, Greg Roberts, and the undersigned, all of NeuStar, Inc. (NeuStar), met November 20, 2003 with Dane Snowden, Chief of the Consumer and Governmental Affairs Bureau along with Gene Fullano, Erica McMahon, and Richard Smith, all of the Consumer and Governmental Affairs Bureau to discuss the information that telemarketers need to determine whether a telephone number belongs to a wireless subscriber after the implementation of wireless local number portability on November 24, 2003.

NeuStar, as the neutral third party administrator of the Number Portability Administration Center ("NPAC"), pursuant to its contract with the North American Portability Management LLC ("NAPM, LLC") manages the information that telemarketers and other entities might elect to reference in their efforts to comply with the requirements of the FCC's TCPA Order.¹ NeuStar provided background as to the operation of the NPAC, including a discussion of the authorized users of the NPAC who, until this point have been limited to telecommunications service providers or their agents. NeuStar also noted that any changes to the management of the NPAC and NeuStar's administration of local number portability would require the express authorization of the NAPM, LLC.

In specific, as outlined in a May 5, 2003 filing with the FCC, NeuStar discussed NPAC and potential non-NPAC based options that are available to telemarketers.² As noted in

¹ In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Report and Order, CG Docket No. 02-278 (rel. July 3, 2003)(the TCPA Order).

² See Ex Parte Letter from Kimberly Miller, Director, Regulatory Law and Policy, NeuStar, Inc. (May 5 2003), CG Docket No. 02-278 (the May 5 Letter).

the May 5 Letter and a June 4, 2003 filing with the FCC³, there are available several provisioning options that involve the NPAC. Several options that exist are as follows:

1. NeuStar, as the NPAC vendor, acting only with the explicit authorization of the NAPM, LLC, would establish a secure web site wherein telemarketers using auto-dialing technology can access the site via a personal identification number code that they receive when they sign a user agreement and register with NeuStar. NeuStar would provide daily update files via a local service management system ("LSMS") that would include the most current list of all wireless numbers listed by area code. A telemarketing entity would be able to access and download this flat file and incorporate it into its auto-dialing system.⁴
2. A telecommunications service provider (TSP) with LSMS download capabilities may provide an information dissemination process and offer telemarketers updated NPAC information. Users who access NPAC data might be obligated to sign a user agreement. In the alternative, TSPs or any NPAC user could provide a call suppression service that would block out calls to wireless numbers ported from wireline service. Under this alternative, there would be required no contract amendment and no new users for the NPAC.
3. A third option, but one that was not discussed at the November 20, 2003 meeting, would involve interpreting the existing agreement to which all NPAC users currently are a party such that the FCC's TCPA Order is read into an exception allowing the disclosure of NPAC data; thus authorizing the current NPAC user to provide data to telemarketers solely for the purpose of ensuring compliance with the FCC's TCPA Order. This limited authorization would enable telemarketers to contract with any of the hundreds of NPAC users to access the requisite data without compromising the confidentiality that is crucial to the successful administration of local number portability.

³ See Ex Parte Letter from Kimberly Wheeler Miller, Director, Regulatory Law and Public Policy, NeuStar, Inc., CG Docket No. 02-278 (June 4, 2003).

⁴ See the May 5 Letter at page 1.

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As the neutral third party provider of local number portability administration services, NeuStar is committed to working with the Commission and any interested party to resolve the issues raised herein and to support telemarketers efforts to comply with the TCPA Order. We remain available to discuss these and other potential solutions at your earliest convenience.

In accordance with the Commission's rules, one electronic copy of this letter is being submitted via the Commission's Electronic Comment Filing System for inclusion in the public record of the above-referenced proceeding. If you have any questions concerning this matter, please contact the undersigned at 202-533-2913.

Respectfully submitted,

/s/

Mindy J. Ginsburg

Director, Government Relations and Public Policy

NeuStar, Inc.

Cc: Dane Snowden
Gene Fullano
Erica McMahon
Richard Smith